

Application Serial No. 10/801,406

**REMARKS**

1. Applicant thanks the Examiner for his findings and conclusions.

5 2. It should be appreciated that Applicant has elected to amend Claim 21 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's  
10 right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

**Hilton Davis / Festo Statement**

15 The amendments herein to Claims 21 was not made for any reason related to patentability. Claim 21 was amended to conform with standard claim drafting practices.

3. Claim 21 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

20 The Examiner deems that the term "indirectly", inserted by way of amendment in the response filed July 26, 2007, was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention at the time the application was filed. The Applicant amends Claim 21 to remove the clause "wherein said second Web server indirectly  
25 communicates with said discovery service through said first Web server" previously inserted by way of amendment in the response filed July 26, 2007. Accordingly, the current rejection of Claim 21 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement is deemed to be overcome.

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4. Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent publication no. US 20030145223 (hereinafter "Brickell").

5 Claims 1, 7, 13, and 19-21

The Applicant respectfully disagrees that the invention of Claims 1-21 are obvious in view of Brickell.

For Claim 1, the Examiner states / admits that Brickell does not explicitly teach any of:

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upon said first Web service determining a need to invoke a second desired service at a second Web service, said first Web service requesting from said discovery service a second service descriptor associated with said second Web service and a second service assertion associated with said second Web service; and

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in response to receiving said request for said second service descriptor and said second service assertion, said discovery service adding said second service assertion to said first service assertion and subsequently passing said first service assertion and said second service descriptor to said first Web service;

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in response to receiving said first service assertion and second service descriptor, said first Web service invoking said desired second service at said second Web service.

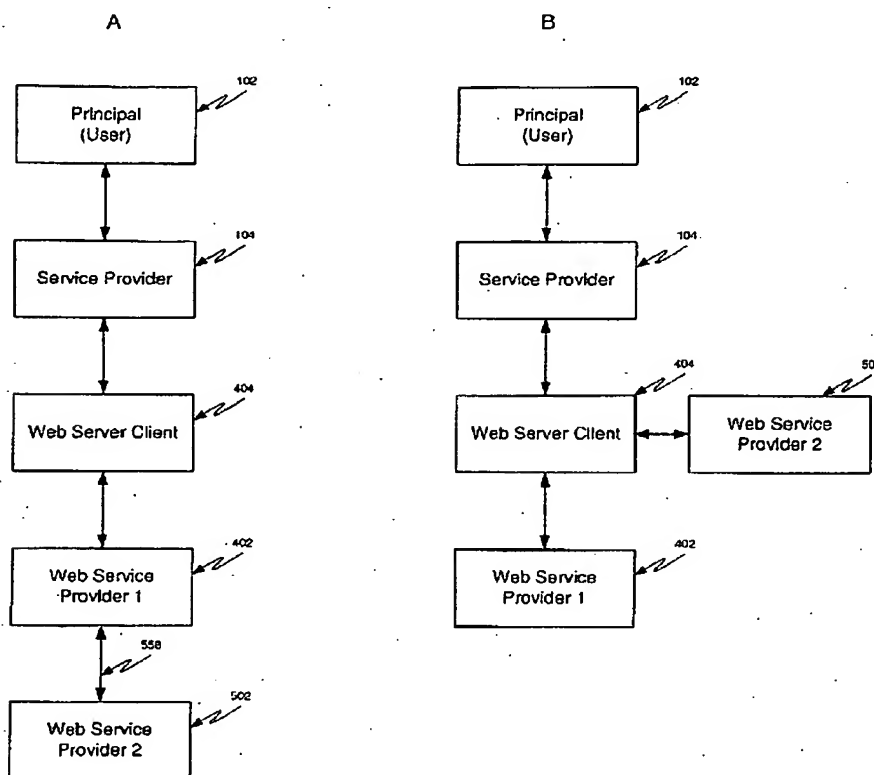
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The Examiner asserts that merely repeating the teaching of Brickell yields all of the above quoted steps. The Applicant strongly disagrees. Particularly, the last clause of the above cited Claim 1 elements requires that "in response to receiving said first service assertion and second service descriptor, said first Web service invoking said desired second service at said second Web service" is not achieved by merely repeating the teaching of Brickell.

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The Applicant provides Figures I (A and B), where Figure I A is a subset of originally filed Figure 5 and Figure I B illustrates the Examiner's assertion.

Figure I (must view in print layout)



Figures I (A and B) each show the Principal 102 communicating with the Web Service Provider 1 402 via a Service Provider 104 and a Web Server Client 404. Claim 1 is illustrated in Figure I (A), which shows the Web Service Provider 1 402 communicating with Web Service Provider 2 502 via link 558. The Examiner argues, as illustrated in Figure I (B), that the second web service provider is merely a repeat of the steps of the Principal 102 communicating with a first service provider and is thus obvious. However, merely repeating the steps does not have the Web Service Provider 1 402 communicating directly with the Web Service Provider 2 502 through link 558. Link 558

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is taught in the application as filed as, emphasis added "In response to the request at the Discovery Service 406 for the second Service Descriptor 512 and the Service Assertion 508 for WSP 2 502, WSP 1 402 invokes the service (558) on behalf of the Principal 102 by passing the Service Assertion 508 to WSP 2 502." Claim 1 particularly

5 calls out this step with the final clause, which reads with emphasis added: "in response to receiving said first service assertion and second service descriptor, said first Web service invoking said desired second service at said second Web service". Merely repeating the steps of the Principal 102 communicating with the Web Service Provider 1 via the Service Provider 104 and the Web Server Client 404 does not result in a step of

10 the Web Service Provider 1 communicating directly with the Web Service Provider 2 via link 558. Hence, the Examiner's assertion that "It would have been obvious to ... repeat Brickell's method of invoking a service from a delegate, requesting a description of the service as a service assertion, and upon receiving the assertion and descriptor invoking the desired service" fails to teach or describe the required claim element of the Web

15 Service Provider 1 402 communicating directly with Web Service Provider 2 via link 558. Each of independent Claims 1, 7, 13, 19, 20, and 21 contain the clause of "in response to receiving said first service assertion and second service descriptor, said first Web service invoking said desired second service at said second Web service". Accordingly, the current rejection of Claims 1, 7, 13, 19, 20, and 21 and all claims dependent

20 therefrom under 35 U.S.C. § 103(a) as being unpatentable over Brickell is deemed to be improper.

#### Claims 1, 7, 13, 19, 20, and 21

The Examiner's argues that it is obvious, citing Figure 2 of Brickell, to merely create a

25 new delegation pair to invoke the Web Service Provider 2 502. However, a new delegation pair does not create a link 558 between the Web Service Provider 1 402 and Web Service Provider 2 502. It is noted, under MPEP 2144.03, that the Examiner may take official notice of obviousness only if the facts are capable of instant and unquestionable demonstration as being well known in the art, *In re Ahlert*, 424 F.2d

30 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). If the Examiner persists in his

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argument that Claims 1, 7, 13, 1, 20, and 21 are obvious over Brickell, then under MPEP 2144.03 the Examiner is formally requested to submit an affidavit stating as specifically as possible supporting facts justifying the Examiner's conclusion of obviousness.


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**CONCLUSION**

In view of the above, the Application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections, allowing the Application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's agent at (650) 474-8400.

Respectfully submitted,



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